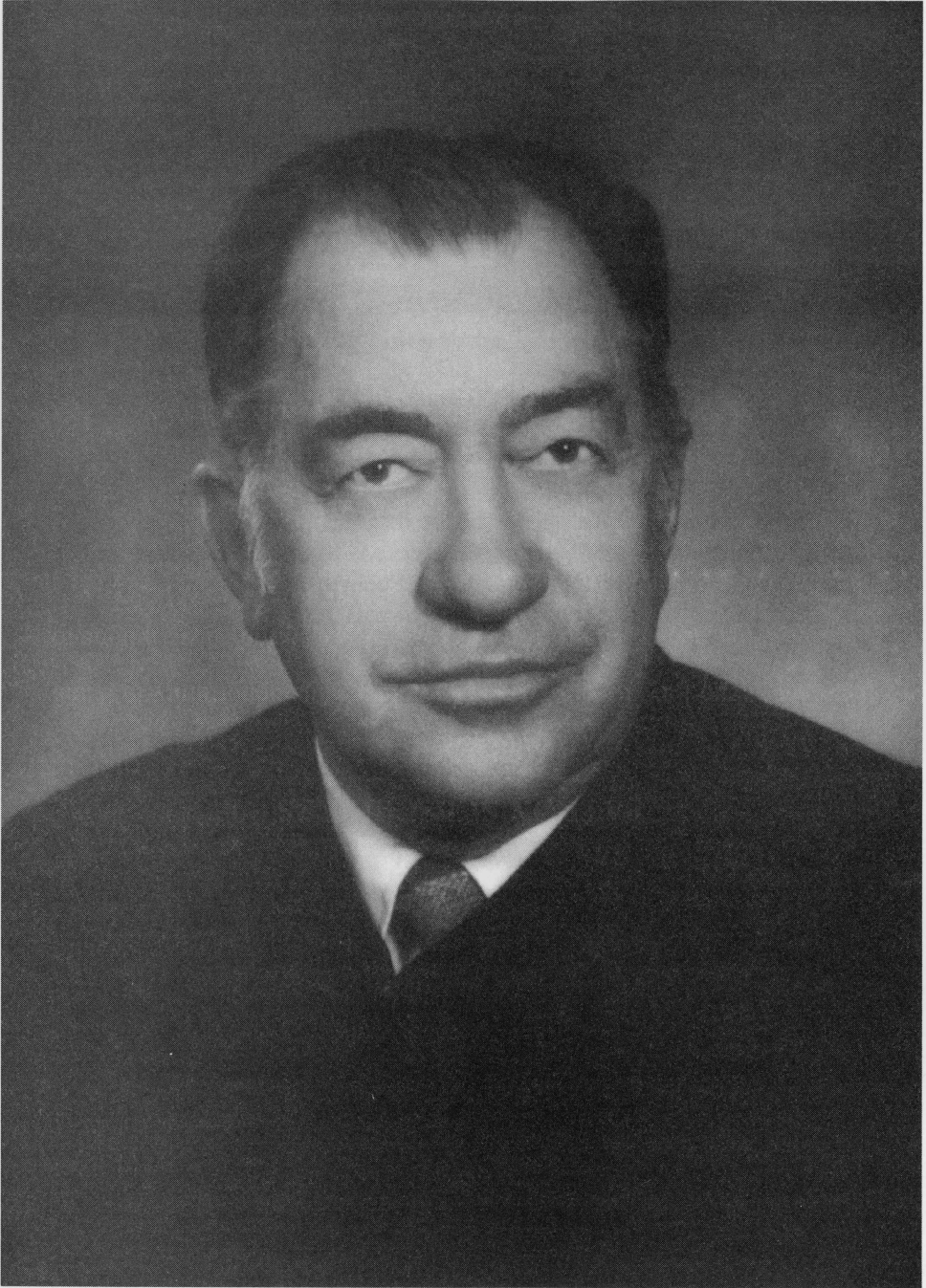


IN MEMORIAM



JUSTICE ROBERT O. STANIFORTH
1917-1995

In Memoriam: Justice Robert O. Staniforth

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Justice Robert O. Staniforth stood tall as a man, as a lawyer, as a judge, and as a justice of the court of appeal. "He was a giant of a man in more than physical respects; he was a giant of the law," said retired Presiding Justice Gerald Brown, who served with Justice Staniforth on the Court of Appeal, Fourth District, Division One, for a decade. Justice Staniforth died suddenly of a heart attack on April 19, 1995, aged 78, still in harness as a working judge who accepted numerous assignments to superior courts and courts of appeal, as well as private judging, even though he had been retired for almost ten years from the court of appeal. Justice Staniforth was also a teacher, most recently at the University of San Diego School of Law. Because of his stature in the local legal community, the San Diego Law Review dedicates this issue to his memory.

Justice Staniforth was shaped by his early life experience in Colorado, learning diligence and conscientiousness as a help to his mother and his family after his father died young. He served as a sergeant in the U.S. National Guard in Colorado from 1935 to 1939, and began his career as an elementary school teacher in 1939, at the age of 26. Fourth District, Division One Presiding Justice Daniel J. Kremer says, "I don't think he

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ever left that role. He considered himself a teacher all through his career." From 1939 to 1942, he worked as an elementary and high school teacher and principal in Colorado and Arizona. In 1941 and 1942, he did post-graduate work in political science and public administration at the University of California, Berkeley, and at the University of Colorado in Boulder, Colorado. He said he was studying so much law in connection with his political science studies that he might as well go to law school, and he graduated in January 1945 from the University of Southern California Law School (now the Law Center). He served as a law clerk to the former Chief Justice of the Supreme Court of California, Phil S. Gibson, in 1946, and as a law clerk to Judge William Healy of the U.S. Court of Appeals, 9th Circuit, from 1945 to 1946. His talent for the law was recognized early in those experiences.

Justice Staniforth practiced law with private law firms from 1947 through 1959. During this period, he met Ruth Diana Harris, a secretary at the law office where he worked as an attorney. They were married after a three-month courtship and were devoted lifelong companions, raising two children, Mark and Fay. Upon Justice Staniforth's sudden death, his wife of forty-six years found his body and was then rushed by paramedics to a hospital for treatment, where she was diagnosed with a ruptured aneurysm. Days after he died, she joined him in death. "No matter what anybody says, she died of a broken heart," said family friend and former Monterey County Superior Court Judge Maurice Jourdan.

Justice Staniforth's friend and colleague of 50 years, retired Superior Court Judge Byron F. Lindsley, delivered the eulogy at the May 25, 1995 joint memorial service for the couple. He described the efforts he and Judge Staniforth made as co-counsel for the Mission Indians of California as they fought to regain water rights and land rights, or to be compensated for what had been taken from them by the government or allowed to be taken from them by others. Judge Lindsley said,

I remember the hours Ruth had to wait at home while we travelled all over Southern California to meet with the various bands. I remember our trips to Washington, D.C., on which Ruth would go along while we did battle for the Indians in their struggle against the inertia of the establishment which still had not heeded the lessons Helen Hunt Jackson [author of *Ramona*] had tried to tell us those many years ago.

Bob and I became judges before our job was done though we had laid most of the groundwork. The case was finally won by our successors. It wasn't until about three years ago that Bob and I were finally paid for our labors some 30 years ago. Bob was not only gentle—he was patient. Typical of Bob, the Indian wars were a labor of conscience and love of justice.

Justice Staniforth had a long and illustrious career as a judge. He was appointed by Governor Pat Brown in 1959 as a judge of the Municipal

Court of the San Diego Judicial District, San Diego County. He was reelected to that office and served there until he was elevated to the superior court in 1964 by Governor Pat Brown. He was reelected to that office and served there until 1976, when Governor Jerry Brown nominated him to the office of Associate Justice of the court of appeal.

During his 10 years at the court of appeal, Justice Staniforth established his reputation as a leader in the fields of civil procedure, commercial law, and family law. He had a gift of "going right to the heart of very complex civil cases, contract insurance and family law," said Presiding Justice Kremer. Justice Staniforth was known as an indefatigable, prodigious worker, who always went beyond expectations and persevered until his high standards were satisfied with the work. He liked a challenge and he liked solving problems, but most of all, he wanted to help people with their problems and be useful in society.

Justice Staniforth was known as a distinctive and persuasive writer. One of the cases of which he was most proud was *Bell v. Industrial Vangas, Inc.*,¹ in which he, as a court of appeal Justice assigned to sit with the supreme court, wrote the majority opinion, which must have involved a spirited exchange of views among the five-member majority and the two dissenting justices.²

Justice Staniforth often showed a unique writing style involving lengthy descriptions without connectors, which was exactly the way he wanted it and the way it was published. He had a good working relationship with the then-Reporter of Decisions, who would occasionally call him up to question and confirm his unique writing style. For example, in *Commercial Standard Title Co. v. Superior Court*,³ a seminal case on indemnification among attorneys, these examples are found:

1. 30 Cal. 3d 268, 637 P.2d 266, 179 Cal. Rptr. 30 (1981). *Bell* deals with the dual capacity doctrine as applied to the conditions of workers' compensation liability (LAB. CODE, § 3600 et seq.). The opinion has since been superseded by statutory amendment. (LAB. CODE, § 3602.)

2. The author wishes to thank retired Justice Howard B. Wiener of the Fourth District, Division One Court of Appeal, also sitting by assignment on the Supreme Court when it decided *Bell v. Industrial Vangas, Inc.*, *supra*, 30 Cal. 3d 268, 637 P.2d 266, 179 Cal. Rptr. 30, for insights into that case.

3. 92 Cal. App. 3d 934 (1979).

The public policy, the equitable considerations underpinning *Li v. Yellow Cab*⁴ and *AMA [American Motorcycle Association] v. Superior Court*⁵ do not fit, do not stretch so far as to cover this specie of relationship. Authorizing suit against a lawyer could cause these immediate repercussions.

Similarly, in *Mabee v. Nurseryland Garden Centers, Inc.*,⁶ Justice Staniforth criticized the parties' proposed procedure for assessment of attorney fees by stating: "Such tendered procedure is impractical, unreasonable, incapable of application." In *City of Chula Vista v. Pagard*,⁷ Justice Staniforth showed the intensity of his concern with the legal questions before him in this paragraph:

We do not read *City of Santa Barbara v. Adamson*,⁸ as abandoning the profound truths that underlie and compel continuing approval of land use planning or as precipitating a wholesale invalidation of land use controls thus endangering the validity of zoning laws and city and regional planning. We are required to find the challenged ordinances invalid yet would urge Chula Vista not to abandon its goal of providing relatively quiet, wide streets with less traffic, fewer people, a pleasant and reasonably safe environment in which families might raise their children, thus meet family needs, promote family values. These lawful, most laudable purposes need pursuit by means of most carefully drawn, evenhanded ordinances.

Justice Staniforth's distinctive writing style is also found in a brief concurring opinion in *A&M Produce Co. v. FMC Corp.*,⁹ reproduced in its entirety below:

The trial court found the FMC form contract clauses disclaiming warranties and limiting damages were unconscionable. The issue on appeal is whether this finding is supported by substantial evidence. If the trial court's application of the doctrine of unconscionability is supported by substantial evidence, it was correct in keeping the reverse side of the contract from the jury.

Facts fly as 'thick as autumnal leaves that strow the brooks of Vallombrosa' in support of the trial court's conclusion these contract clauses were oppressive, contrary to oral representations made to induce the purchase, and unreasonably favorable to the party with a superior bargaining position. No experienced farmer would spend \$32,000 for equipment which could not process his tomatoes before they rot and no fair and honest merchant would sell such equipment with representations negated in its own sales contract.¹⁰

Justice Staniforth was known for his great practical common sense, his sympathy for the underdog, and his interest in labor law, particularly the

4. 13 Cal. 3d 804, 532 P.2d 1226, 119 Cal. Rptr. 858 (1975).

5. 20 Cal. 3d 578, 578 P.2d 899, 146 Cal. Rptr. 182 (1978).

6. 88 Cal. App. 3d 420, 426 (1979).

7. 115 Cal. App. 3d 785, 800 (1981).

8. 27 Cal. 3d 123, 610 P.2d 436, 164 Cal. Rptr. 539 (1980).

9. 135 Cal. App. 3d 473, 186 Cal. Rptr. 114 (1982).

10. *Id.* The autumnal leaves reference is drawn from John Milton, *Paradise Lost*.

Agricultural Labor Relations Act,¹¹ on which he wrote many formative opinions, says Paula Chernoff, a senior attorney with the Sixth District Court of Appeal (formerly with the Fourth District Court of Appeal). However, Justice Gerald Brown emphasizes that he was an all-around person, equally interested in the welfare of everyone, and that he did not support the "little guy" unless there was a good case to be made for his position.

Justice Staniforth also made unique contributions to family law. In that area he shone as an innovator, cutting through maxims to reach the needs of the living people before the court. In *In re Brendan P.*,¹² he emphasized the importance of respect for and stability of the trial court: not letting the parties run from judge to judge trying to do one another in, and the equal importance for judges to take the opportunity to back off, and honor their colleagues' work, when this sort of thing was going on. A similar approach was shown in *Hafer v. Superior Court*,¹³ a case arising under the Uniform Child Custody Jurisdiction Act (now Fam. Code § 3400 et seq.); there, the majority opinion held that when the mother abducted the children from Idaho and fled to California for what she thought were sufficient reasons (neglectful, overharsh father), while not being able to show an emergency requiring such action, she was in contempt of court and had to give custody of the children back and go back to Idaho to litigate the matter in an orderly way. Justice Staniforth wrote a dissent, saying that under such circumstances, the trial judge of the children's present location ought to have a chance to make sure there was no emergency before the appellate court took the matter out of his or her hands. His work consistently showed his faith in the good sense of trial judges, who have the facts before them, to do the right thing, and his equally strong belief that the procedural rights of the litigants can never be paramount to the children's best interests.

Justice Staniforth was the embodiment of the magisterial, wise judge. He served for seven years on the Commission on Judicial Performance, judging other judges. According to retired Presiding Justice Brown, he was an assiduous worker at this duty, but always discreet, never disclosing the substance of the work he did in that respect. Justice Brown also remembers that not only was Justice Staniforth a good

11. LABOR CODE, § 1140 et seq.

12. 184 Cal. App. 3d 910, 230 Cal. Rptr. 720 (1986).

13. 126 Cal. App. 3d 856, 179 Cal. Rptr. 132 (1981).

worker, it was also fun to work with him. Justice Staniforth was always eager to discuss any problems and to solve them as they were encountered along the way.

In summary, Judge Staniforth was idealistic and always striving for justice. He had a strong sense of right and wrong, and a respect for precedent and for the law as an institution. As a person, he always showed respect for everyone who worked at the court, staff and justices alike. He was invariably kind and pleasant to everyone, with an ingenuous and endearing manner which makes him greatly missed by everyone who knew him. Judge Lindsley concluded his remarks at the memorial service,

I admired Bob for what he stood for and what he did. They were the same. And he did it all with a gentle manner that set him aside from most men. What he did he did vigorously. He was a gentle man but he was a strong man. A philosopher must have had the likes of Bob in mind when he said: 'Nothing is so strong as gentleness — nothing is so gentle as strength.'

Although Justice Staniforth retired from the court of appeal after 10 years at the age of 69, he never stopped working as a judge. He felt that it suited him to work and he would live longer that way, since he was happy in his work, according to Justice Brown. Justice Staniforth wanted to make the most of the time he had, and he published 15 of 258 published opinions after he became a retired justice, as he continued to accept both difficult and routine assignments from the Chairperson of the Judicial Council. He also served as a trial judge and settlement judge and, at the time of his death, was working on assignment to the Superior Court of Imperial County, preparing for an upcoming hearing. He was a familiar figure around the court of appeal as he conducted some of his assigned work as a senior judge at the court, and was always greeted warmly by those he encountered on an everyday basis. It seemed that he would go on forever, and he is greatly missed by his many friends and colleagues. He left a legacy of love for the law and a passion for justice.